

Amend 2 Cal. Code Regulations Section 18943 to read:

§ 18943. Return, Donation, or Reimbursement of a Gift Payment.

~~(a) General Rule for Return, Donation, or Reimbursement of a Gift. A gift is neither accepted nor received if it is returned, donated, or reimbursed in any manner set forth below. For purposes of Section 82028(b)(2), which exempts from the definition of “gift” any payment that is returned or donated unused, within 30 days of receipt as determined in Regulation 18941, and except for tickets as provided in Regulation 18946.1(b), the payment must be either:~~

~~(1) The gift is returned Returned to the donor, or to the donor’s agent or the donor’s intermediary from whom the item was received, without receiving anything of value in exchange for the returned payment unused, within 30 days of receipt or acceptance. In such event, neither the recipient nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or~~

~~(2) The gift is donated Donated, unused, to a charitable organization ~~within 30 days of receipt or acceptance~~, without being claimed as a charitable contribution for tax purposes. In such event, neither the recipient, nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or~~

~~(3) The gift is donated Donated, unused, to a state, local, or federal government agency, ~~within 30 days of receipt or acceptance~~, without being claimed as a deduction for tax purposes. In such event, neither the recipient, nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or~~

~~(4) Reimbursed by The the recipient official ~~within 30 days of receipt or acceptance~~, reimburses to the donor, ~~or the donor’s agent~~, or the donor’s intermediary from whom the~~

1 ~~payment was received, for all in full, or a portion of the gift thereof. In such event, If the donor~~
2 ~~is not reimbursed for the full value of the payment, the value of the gift valued the official has~~
3 ~~received is reduced by the amount of the reimbursement, and the amount of any gift or activity~~
4 ~~expense which must be disclosed is reduced by the amount of the reimbursement.~~

5 (b) Relief from Disqualification by Return, Donation, or Reimbursement. In order to
6 relieve the ~~recipient~~ official of an otherwise disqualifying financial interest under Section 87100
7 ~~based upon the receipt or acceptance of a gift at \$420 or more pursuant to Government Code~~
8 ~~section 87100 in excess of the gift limit under Section 87103 and Regulation 18940.2, and for the~~
9 ~~purposes of exempting the payment from the definition of a gift under Section 82028(b)(2), the~~
10 return, donation, or reimbursement of the ~~gift~~ payment pursuant to subdivision (a) above:

11 (1) Must occur within 30 days of receipt ~~or acceptance~~ and ~~prior to~~ before the date the
12 ~~recipient~~ official makes, participates in making, or uses his or her official position to influence
13 the governmental decision in question; or

14 (2) If the return, donation, or reimbursement has not been made ~~prior to~~ before the
15 decision, the ~~recipient~~ filer must publicly disclose the receipt ~~or acceptance~~ of the ~~gift~~ payment
16 on the public record, disclose its value, and declare that the return, donation, or reimbursement
17 will occur within two working days following the decision. The subsequent return, donation, or
18 reimbursement must be made within two working days, and within 30 days from receipt or
19 acceptance, and it must be documented in the public record.

20 NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82028(b)(2),
21 87100, 87103, 87207, 87302 and 89503, Government Code.